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A HINT ON THE SUBJECT

OF

American & Foreign Patents,

BY

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AMERICAN AND FOREIGN PATENTS,

AND

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Prompt attention to matters before the SUPREME
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Attorney for General Practice in all the various De-
partments of the Government.

Lock Box 7,

Washington, D. C.

1875

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To MY PATRONS.

WASHINGTON, D. C., January 5, 1875.

In reply to the manifold questions daily addressed to me by inventors and persons interested in AMERICAN and FOREIGN PATENTS, I have the honor to submit for their consideration the following suggestions and information, trusting that it may aid in resolving their doubts.

Should fuller information be desired on any of these subjects, I will take pleasure in giving it.

D. W. GLASSIE.

American & Foreign Patents.

Who may Obtain a Patent.

Any person, either citizen or alien, being the first inventor or discoverer of any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereon.

Joint inventors are entitled to a joint patent.

If the inventor be dead or insane, the executor, administrator, assignee or guardian may make the application.

A patent will not be granted, however, for anything described in any printed publication, in this or any foreign country, nor if it has been abandoned, in public use, or on sale more than two years.

Caveats.

A "Caveat" consists of a SKETCH and GENERAL DESCRIPTION of an INVENTION, and is filed in the Secret Archives of the Patent Office, on paying the Government fee (\$10.00,) and entitles the inventor to a notice from the Commissioner of Patents, if any one else applies for a patent embracing the same or similar features. Caveats are renewable from year to year, by paying the Government fee (\$10.00.) In case of an interference, a Caveat is *prima facia* proof for the Caveator.

If an inventor has not fully matured his invention, and requires further time to complete and test it before applying for letters patent, and at the same time protect his property in the invention, it is advisable for him to *file* a Caveat.

To give the inventor sufficient latitude in which to complete his experiments and invention, too much care and skill cannot be exercised in preparing his drawings and general description.

For this service my charge is usually in proportion to the work required, but never unreasonable.

Preliminary Examinations.

Before making application for Letters Patent, the inventor may find it advisable to have an examination made in the Patent Office, for the purpose of ascertaining whether his invention or any part of it has been patented in this country.

To secure this, a sketch and short description of the invention, or a model, accompanied by a fee of not less than \$5.00, should be forwarded. I will then make as thorough an examination as the department will permit—absolute certainty cannot be expected—and, if I am satisfied the invention is anticipated, I will give the inventor the benefit of my research and opinion, and may thereby save him many dollars, and enable him to correct or improve his invention.

If I conclude the invention is patentable, the fee paid for the preliminary examination will be credited on account of future charges.

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Application for Patents.

An "application" consists of a petition to the Commissioner of Patents, accompanied by specifications describing in detail the invention, pointing out what is considered new, and specifically what is claimed by the inventor, together with the inventor's oath; and, where the nature of the case will admit of it, *drawings* and a *working model*.

To enable me to prepare an application, the inventor should send a model and a statement of what he considers new, with the first Government fee (\$15.00) and \$5.00 per sheet (ordinarily) for the drawings necessary to show the invention to the best advantage.

Models.

The model must be neatly and substantially made of durable material.

If of soft wood, it should be painted, stained or varnished.

Its dimensions should not exceed one square foot. Glue must not be used in its construction.

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Drawings.

The drawings should be made with the fewest lines possible, consistent with clearness, and with a pen only, using the blackest Indian ink—every line and letter (signatures included) must be absolutely black—and should be on "Two-sheet" Bristol board, or Sheets cut from Whatman's hot-pressed drawing paper, "antiquarian" size, surface calendered and smooth. The size of sheet to be exactly 10x15 inches, with a single marginal line one inch from its edge, leaving the "sight" precisely 8x13 inches. All work and signatures must be included within these marginal lines. On the upper end of the sheet a space of not less than 1½ inches, measuring down from the marginal line, must be left blank for names, &c. Spaces must also be left at the right and left hand lower corners, inside the marginal line, for signatures of the inventor and his witnesses.

Drawings should be rolled, not folded, for transmission.

These instructions do not apply to drawings for trade marks and designs.
(See *Designs and Trade Marks.*)

Reissue -- Amendments.

Many of the most valuable patents issued by the Department have been found defective in some important feature, and sometimes nearly, if not absolutely, worthless, in consequence of the loose and imperfect manner in which they were drawn and presented, leaving, as it were, the doors open to patent sharks and infringers, who, taking advantage of the imperfect patent and valuable suggestions made by the invention, apply for and secure to themselves a more perfect patent, thereby driving the meritorious inventor and his defective patent out of the field.

In such cases the law provides a way whereby the patentee, if living, or his legal representative if he be dead, may remedy these defects by applying for a REISSUE; provided the error has arisen from inadvertence, accident, or mistake, and without fraud, &c., on the part of the inventor. Anything that is embraced in the original invention and shown in the model or drawings, or described in the specifications, may be covered by the reissue.

In reissuing, a patentee may have a patent for each separate and distinct part of his invention, by making the proper application and paying the Government fee of \$30.00 in each case.

As greater care and skill is requisite to secure a valuable reissue, my fees are from \$70.00 upwards, as may be agreed upon.

Renewals.

If the final Government fee (\$20.00) is not paid within six months after notification issues that the patent is allowed, the law declares the case forfeited. It may, however, be renewed within two years from that time, by paying another first Government fee (\$15.00,) and filing proper petitions. The application will then be re-examined, and if no case is found on file with which it interferes, the patent will issue on paying the final Government fee (\$20.00.)

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Disclaimers.

When a patentee by inadvertence or accident, but without fraud on his part, claims and receives a patent for more than that of which he was the first inventor, the patent may be declared void. To secure what is original in said invention, the patentee, his heirs or assignees, whether of the whole or sectional interest, may make a disclaimer in writing of such parts as were *not original* with him, by paying the Government fee of \$10.00.

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Interferences.

An interference is declared to determine priority of invention between two or more parties claiming the same subject matter, or to prove an abandonment, &c.

When an interference has been declared, and the Patent Office has designated a day for hearing, the parties are permitted to show, by proof, taken under certain legal forms and established rules, who was the first inventor, or they may abandon the application. On the day set the case is heard as in a Court,

on argument, before an officer in the Patent Office, and the question of priority is settled on the testimony adduced. If the interference applies to a part only of the invention, the interfering case may be abandoned and a new application made for the balance.

As much depends upon the testimony and how it is taken, often involving some very delicate discriminations as well as intricate legal points, inventors will find it to their advantage and profit, when selecting an attorney to conduct an interference case, to employ a lawyer, who can bring into the case not only a familiarity with mechanics, the rules and practice of the Patent Office, but a thorough knowledge of the law.

I make *contested cases* a specialty.

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Rejected Applications.

Applications for patents are often rejected in consequence of the inventor claiming more than was original with him, or for want of proper skill in preparing the case. With a view to correcting these errors, and to put the matter in its true and proper light before the department, these cases require the personal examination and supervision of an attorney who can discriminate between the rejected case and those given in the reference.

I make this class of business a specialty, taking charge of cases for inventors or their agents who cannot attend in person. My terms are reasonable.

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Appeals.

Every applicant for a patent, or the reissue of a patent, when a final adverse decision is rendered, may, under certain established rules, and by petition in writing, appeal:

1st. From the primary examiners to the Board of Examiners-in-Chief; Government fee \$10.00.

2d. From the Board of Examiners-in-Chief to the Commissioner of Patents; Government fee \$20.00.

3d. From the Commissioner of Patents an appeal lies in all cases, except interferences, to the Supreme Court of the District of Columbia, by furnishing a certified transcript of the entire case, and paying the clerk a docket fee of \$10.00, &c.

As appeals require a great deal of personal attention, elaborate written and oral arguments, and no little labor, the fee is charged in proportion to the service, and is generally governed by special agreement with parties in interest. It is usual, however, to secure a small retainer in each step.

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Designs.

Patents are granted for any new and original design for a manufacture, bust, statue, alto-relievo, bas-relief, design for printing on silk, cotton, woolen or other fabrics, impression, ornament, pattern, print, or picture to be printed, painted, cast or otherwise to be placed on or worked into articles of manufacture, for terms of three and a half, seven or fourteen years, at the option of the inventor, by paying the Government fee of \$10.00, \$15.00, or \$30.00 respectively. When the invention is susceptible of illustration by a model, one should be furnished, together with eleven copies of the drawings, (see mechanical drawings,) or by eleven copies of engravings or photographs (not mounted) $7\frac{1}{2} \times 11$ inches. *Send one extra copy, Fees reasonable.*

Trade Mark.

Every person, firm, or corporation doing business in the United States, and every alien, foreign firm or corporation, resident in a country where by treaty the same privilege is extended to American citizens, are entitled to protection in the lawful use of a TRADE MARK for thirty years, with a privilege of an extension of thirty years longer, under certain circumstances, by filing the proper application and paying the Government fee, \$25.00.

To secure this patent, I require your name, your business, your residence and place of business, a description, fac simile, and eleven copies of the *Trade Mark*, what kind of goods it is to be used on, how long it has been in use, if at all, together with the Government fee, and my fee of from \$10.00 to \$25.00.

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Assignments.

A PATENT OR TRADE MARK may be assigned either as to the whole or any individual part, before or after the issuing of letters patent. (*See forms.*)

The assignment of a patent should be RECORDED in the Patent Office within three months, and a *Trade Mark* within sixty days from the execution thereof to make it *valid* against a subsequent purchaser, &c.

Copies.

Certified copies of drawings, specifications and duplicates of Models, for use in the Courts, &c., may be obtained at cost prices.

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How to order Copies, &c.

In ordering copies of drawings and SPECIFICATIONS, as well as ASSIGNMENTS or other transcript of the records, the name of the INVENTOR and PATENTEE, the title of the invention and the date of the patent should be given. The NUMBER should also be given, if known, accompanied by a small advance to secure against loss.

Foreign Patents.

WHEN, WHERE AND HOW THEY MAY BE OBTAINED.

D. W. GLASSIE,

ATTORNEY.

EUROPEAN PATENTS.

BRITISH LETTERS PATENT.

The subject matter of a British Patent must be a "new manufacture" or improvement. If the invention has been known, published, or a description of it circulated in the Kingdom prior to filing the application, the patent, if granted, is voidable. The patentee may be the inventor or first importer. British Patents issue for fourteen years, subject to a third and seventh year stamp.

The entire cost of procuring a patent for Great Britain, Ireland, &c., exclusive of the two stamps, is usually \$300.00.

In Great Britain provisional protection can be obtained by paying \$100.00, but the application for patent must be completed and the balance of the fees paid within two and a half months thereafter.

France.

In France a patent issues for fifteen years, and two years are allowed to put it into use. If issued to other than the inventor, the patent is voidable. A small annual tax is required to be paid on the patent each year.

The entire cost, fees and all, exclusive of the annual tax, is \$100.00.

Prussia.

COVERING NORTH GERMANY.

Patents can be obtained in Prussia for new Goods, new Machines, new Tools, and new modes of Fabrication, if they are useful to industry and manufacture, and afford new means of industrial developments. A patent issues for from six months to fifteen years, in the discretion of the ministers charged with administering patent laws, but more generally for three years. Anybody can take out a patent, if a description of it has not been published either in Germany or elsewhere, and it has not been in use in the Empire.

Further information given if desired. Usual cost \$125.00 in gold.

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Belgium.

Patents are issued to inventors only, in Belgium, and for twenty years; but if previously patented in another country, they expire with the date thereof. It must be put to use in one year, and a small annual tax is required by the Government.

The usual expense for procuring a Belgian patent is \$100.00.

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Russian Empire.

The Russian Empire, with its eight millions of square miles, and exceeding eighty millions of inhabitants, is fast coming to the front as one of the first nations in Europe, presenting to patentees the most promising field in the old world.

The subject matter of a Russian patent must be a new discovery, invention, or improvement of an industrial process. An invention is deemed new when it is not publicly known in the Empire, and a patent will be issued to the inventor, his agent, or to the first importer.

The duration of a patent of invention will be three, five or ten years, subject to the termination of any prior foreign patent. The duration of a patent of importation is from one to six years, inclusive.

The expense of obtaining a patent in Russia, including the taxes, &c., is from \$200.00 to \$500.00.

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Canada.

The inventor, his heirs, legal representatives, or assigns, only, may obtain a patent in Canada, for any new and useful art, machine, manufacture or composition of matter, or an improvement therein, if it has not been patented in any foreign country for more than one year. The patent shall issue for five, ten or fifteen years, at the election of the applicant, and ordinarily the entire cost, exclusive of a MODEL, which will be about the size of the one required in the United States, will be \$75.00, \$95.00 and \$115.00.

It should not be forgotten by inventors, that in Canada many millions of dollars are now being expended in railways, canals and other public works, which enterprises have naturally given a great impetus to manufactures of every description, opening up a new and extensive field for valuable inventions.

THE EXPENSE FOR OBTAINING PATENTS IN

New South Wales,

For fourteen years, is, in gold.....\$225

New Zealand,

For fourteen years, is, in gold..... 175

Victoria,

For fourteen years, is, in gold..... 175

India,

For fourteen years, is, in gold..... 200

Ceylon,

For fourteen years, is, in gold..... 175

Italy,Patents are granted for from one to fifteen years,
in gold..... 215**Bavaria,**

For fifteen years, is, in gold..... 135

Spain,

Not including Cuba, is, in gold..... 450

Tariff of Government Fees Required by the Patent Office.

The following is the tariff of fees established by law, and are required to be PAID IN ADVANCE of each step respectively :

On filing every application for a design patent for three years and six months.....	\$10 00
On filing every application for a design patent for seven years.....	15 00
On filing every application for a design patent for fourteen years.....	30 00
On filing every caveat.....	10 00
On filing every application for a patent for an invention or discovery.....	15 00
On issuing each original patent for an invention or discovery.....	20 00
On filing a disclaimer.....	10 00
On filing every application for a reissue.....	30 00
On filing every application for a division of a reissue	30 00
On filing the first appeal from the primary examiner to examiners-in-chief.....	10 00
On filing an appeal to the Commissioner from examiners-in-chief	20 00
On depositing a trade-mark.....	25 00
On depositing a label.....	6 00
For every certified copy of a patent or other instrument, for every 100 words.....	10
For certified copies of drawings, the reasonable cost of making them.	
For recording every assignment of 300 words or under.....	1 00
For recording every assignment, if over 300 and not over 1,000 words.....	2 00
For recording every assignment, if over 1,000 words.....	3 00
For copies of the specifications and accompanying drawings of patents, the reasonable cost of making them.	

Form for Power of Attorney.

To the Commissioner of Patents:

The undersigned having, on or about the 10th day of January, 1875, made application for letters patent for an improvement in a horse-power, hereby appoints D. W. Glassie, of Washington, D. C., his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

JOHN ROE.

Signed at _____, and State of _____, this _____ day of _____, 18____.

—o—

REVOCATION OF POWER OF ATTORNEY.

The undersigned having, on or about the 16th day of November, 1874, appointed A. B., of the city of _____, and State of _____, his attorney, to prosecute an application for letters patent, made on or about the 1st day of July, 1873, for an improvement in Gun Locks, hereby revokes the power of attorney then given.

JOHN ROE.

Signed at _____, _____, this — day of _____, 18____.

Form for Assignments.

38. OF AN UNDIVIDED FRACTIONAL INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT.

In consideration of one dollar to me paid by A. B., of ——, I do hereby sell and assign to said A. B., an undivided half of all my right, title and interest in and to a certain invention in Guns, more fully set forth and described in the specification which I have prepared (if the application has already been made, say "and filed") preparatory to obtaining letters patent of the United States therefore. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent jointly to myself and the said A. B., our heirs and assigns.

Witness my hand this — day of —, 18—.
C. D.

—o—

39. OF THE ENTIRE INTEREST IN LETTERS PATENT.

In consideration of five hundred dollars, to me paid by A. B., of ——, I do hereby sell and assign to the said A. B., all my right, title and interest in and to the letters patent of the United States, No. 141,806, for an improvement in Corn Shellers, granted to me July 30, 1874, the same to be held and enjoyed by the said A. B., to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this — day of —, 18—.
C. D.

OF AN UNDIVIDED INTEREST IN THE LETTERS
PATENT AND EXTENSION THEREOF.

In consideration of one thousand dollars, to me paid by A. B., of ——, I do hereby sell and assign to the said A. B., one undivided fourth part of all my right, title and interest in and to the letters patent of the United States, No. 110,485, for an improvement in Stoves, granted to me, May 16, 1874, the same to be held and enjoyed by the said A. B., to the full end of the term for which said letters patent are granted, and for the term of any extension thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this — day of —, 18—.

C. D.

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EXCLUSIVE TERRITORIAL GRANT BY AN ASSIGNEE.

In consideration of one thousand dollars, to me paid by A. B., of ——, I do hereby grant and convey to the said A. B., the exclusive right to make, use and vend within the State of ——, and in no other place or places, the improvement in Corn Planters, for which letters patent of the United States, dated August 15, 1867, were granted to E. F., and by said E. F. assigned to me December 3, 1867, by an assignment duly recorded in liber XS, p. 416, of the records of the Patent Office, the same to be held and enjoyed by the said A. B., as fully and entirely as the same would have been held and enjoyed by me if this grant had not been made.

Witness my hand this 19th day of March, 1868.

C. D.

LIBRARY OF CONGRESS



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LICENSE—SHOP RIGHT.

In consideration of fifty dollars to me paid by the firm of S. J. & Co., of ——, I do hereby license and empower the said S. J. & Co. to manufacture at a single foundry and machine shop in said ——, and in no other place or places the improvement in Cotton Seed Planters, for which letters patent of the United States, No. 71,846 were granted to me, November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Witness my hand this 22d day of April, 1869.

C. D.

LIBRARY OF CONGRESS



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